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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,141	10/21/2003	Krishnamachari Gopalan	5709-167	6046

7590 07/27/2005

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EXAMINER

THOMPSON, HUGH B

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/690,141	Applicant(s) GOPALAN, KRISHNAMACHARI	
	Examiner Hugh B. Thompson II	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 4, 9 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-21-03, 8-16-04</u> . | 6) <input type="checkbox"/> Other: _____ |

5.0.0

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for "the coating".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-8, 10, 12-15, 17-20, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards #5,183,613 in view of Ruepping #6,733,846. Edwards, as recited in column 4, lines 14-32, column 6, lines 43-61, column 7, lines 53-58, column 8, lines 4-35-45, and column 19, lines 49-67, discloses a method of extruding/curing a seal 1, the seal having an extruded body portion 2 that can be made of EPDM or nitrile rubbers containing unsaturated epoxy-containing monomers such as glycidyl acrylate or glycidyl methacrylate, and a layer 5 that can be made of polyolefin and other polymers, which is co-extruded onto the body portion. Edwards fails to disclose the extruded layer made of an acrylate polymer.

Ruepping, as recited in column 8, lines 29-47, and column 17, lines 11-30, teaches the utility of acrylate polymers that can be extruded into/onto elastomeric seals to create desired

Art Unit: 3634

properties, i.e., a specific melting point, roughness, hardness, reinforcement, viscosity, and provide cross-linking agents to enhance reaction properties of a finished seal product. Therefore, to one of ordinary skill in the art, it would have been obvious, as a matter of design choice, to provide the seal of Edwards with an extruded layer made of acrylate polymers, so as to provide a seal with desired properties, i.e., a specific melting point, roughness, hardness, reinforcement, viscosity, and provide cross-linking agents to enhance reaction properties of a finished seal product.

Claims 3, 11, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Ruepping as applied to claims 1, 2, 5-8, 10, 12-15, 17-20, 23, and 24 above, and further in view of Willett #6,849,310. Edwards fails to disclose a seal coating having a coloring agent. Willett teaches the utility of a composite weatherstrip/seal 10 having an exterior coating 60, which can be colored to match associated vehicle components. Therefore, to one of ordinary skill in the art, it would have been obvious, as a matter of design choice, to provide the seal of Edwards with a colored outer layer, as taught by Willett, so as to match associated vehicle components.

Allowable Subject Matter

Claims 4, 9, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for the allowable subject matter of claims 4 and 9, is the inclusion of the formation of a reaction product between acrylate polymers and glycidyl acrylate polymers that form a barrier effective to limit migration of polar agents from

Art Unit: 3634

the body into the veneer. For claim 22, it is the inclusion of the EPDM containing a residual vulcanizing agent and the reaction product provides a barrier that inhibits migration of the vulcanizing agent into the veneer. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure

Conclusion

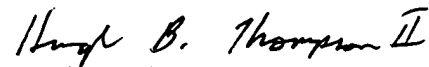
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cook EPA#178,064A2, Nakashima et al 33,981,958, Chihara et al #5,635,274, McGarry #5,415,894, Gurganus et al #5,671,967, Buchholz et al #5,736,215, Gallucci et al #5,814,712, Orikasa et al #4,962,148, Ottawa et al #4,897,298, Keeney et al #6,370,824, Mertz et al #6,660,360, Ito et al #5,447,670, Hayashi et al #5,679,303, and Keeney et al #6,422,571 are cited to teach seal formation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

July 20, 2005